# History with a Future? The Relevance of the 1989 Round Table Experience for Today

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The experience of the Central European round tables has no specific relevance today, but it may be significant in the future. Not in a direct way of copying them and, as I will explain, it would be unwise to frame any future political consultation as a being inspired by the 1989 round tables. Yet, if we look at the round tables' essence, negotiating a peaceful transition with an outgoing power, charting a course between legality and legitimacy, the round tables can tell us something of remaining relevance.

The 1989 round tables are not history. They are part of the present, because the governments in Hungary and Poland in particular frame their policies as responses to what they describe as flaws of the 1989 transitions. In essence, they claim that the round tables were foul compromises that did not provide a significant enough rupture from the Communist system.

When Fidesz won a surprise 2/3 majority of seats in the Hungarian 2011 elections it forced a massive constitutional overhaul on an unsuspecting nation – no such plan was mentioned in the election campaign – arguing that it needed to right the wrongs of the past. Likewise, when Poland's Law and Justice party (PiS) won elections in 2015, it started a campaign of taking control of judicial institutions with the argument that 1989 had not significantly changed the judiciary. Again, this idea had played no role in the preceding electoral campaign, nor did the government provide any data for that claim.

These interpretations of 1989 are not convincing for many reasons. Certainly, there is a lot to debate about these transitions and good arguments can be made about aspects that failed. Yet, it appears too facile in retrospect to claim that Poland's dissident-negotiators should have been more courageous in April 1989. These negotiators did not know that communism was at the end. They had to get the best from a weakened power that still commanded all the tanks and had shown its willingness to use them against civilians for four decades.

The claim that the round tables created fundamentally flawed democracies seems particularly spurious. Neither party objected to their countries' accession to the EU in 2004, which was premised on being an established democracy. They fully supported it. Also, both parties won peaceful, honest elections, because democracy had been established in Poland and Hungary in the 1990s. The reframing of the round tables of 1989 appears more like a PR move to justify reforms at the core of which lies the concentration of power.

Yet, whatever the motives of reframing 1989 may be, they are now contested historical dates. Using them now or in the future to frame any political process would be unwise, inviting historical debate rather than political negotiation. Furthermore, anybody who argues for a renewal of 1989 round tables today creates false equivalents. As problematic as the concentration of power has become in Budapest and to a lesser extent in Warsaw, to compare it with communism would be absurd.

So, why could the round table experience become relevant, even if the word “round tables” should be avoided? Hungary’s democracy is damaged according to countless analyses and reports of international organisations and bodies while the Polish government takes over independent courts and judicial institutions and turned state-owned media into a propaganda instrument.

Saying that a democracy is damaged implies that a gap has appeared between legitimacy and legality. The bigger the damage, the bigger the gap. Laws may have been passed and are applied as written down, but the legislator’s legitimacy is weakened. That situation is acute in Hungary, especially for ‘Cardinal Laws’ (similar to organic laws in France), which are passed with a 2/3 majority in parliament. Fidesz has enjoyed a slim 2/3 majority gained in elections that suffered from serious flaws. There are good reasons to assume that Fidesz would not have won that majority of seats in genuinely democratic elections. In Poland, the legality/legitimacy problem arises in particular in decisions and judgements made by judicial bodies which are not lawfully composed, such as the Constitutional Tribunal.

At present, these problems will not result in any round table-type negotiation between governments and opposition because there is no pressure for governments to come to the table. This could change under two scenarios: First, massive demonstrations could force governments to the negotiating, but there is no indication that these are likely. In Poland, there have been wide-spread protests against the judicial reforms, but they have not swayed the government. The ruling PiS was re-elected to government this year.

Hungary may be more vulnerable to public protest due to the extreme dominance of Fidesz which, according to the OSCE overlaps with many state institutions. The government Achilles heel is massive corruption, as reflected in Transparency’s Corruption Perception Index and statistics by European fraud investigations. If such pressure emerged in Hungary, the key questions would include when to hold elections and under which conditions and what to do with a constitution that has entrenched one party power. These would be typical questions for a round table set-up.

A second scenario would be elections in which the current opposition won elections in Hungary or Poland. Then, the question would arise how to repair the damage to the democratic system. How to re-establish an independent Constitutional Tribunal and other judicial institutions in Poland? How to re-establish a democratic constitution, a pluralistic, respectable public broadcasting system and an independent constitutional court in Hungary?

In Hungary, any reform plans of a new government would be hemmed in by the heavy legal machinery that Fidesz put in place. In contrast to the clichés about populism and illiberal democracy, Fidesz has not empowered the “people” at the expense of “liberal institutions” (such as courts and independent bodies). It has instead created a thick network of legal provisions anchored in the constitution and in Cardinal laws, which could only be changed by a 2/3 majority in parliament to make sure any new majority had little leeway for shaping policy. A new government in Hungary could not change these within the current constitution.

New governments would have three options: Going low by replicating the tactics of Fidesz and PiS to take-over the branches of power. But replicating these tactics would do little to heal the system. Or going high by working within the inherited system. In that case their political margin of manoeuvre would be very limited, especially in Hungary. The third option would be to design a consultative process to generate as much public support as possible for an overhaul of the system aimed at restoring pluralistic democracy in which centrist, right- and left-wing ideas have an equal chance to make their case and to win elections. For this option, the round table experience is relevant (for this aspect see also here). The round tables worked because moderates from both sides were willing to negotiate and to strike a deal.

The round tables were, however, an elite bargaining. They had to be. The communist system did not offer the space for a systematic public process. Today, such an elite process may be too limited to rebuild the foundations of democracy. Broad forms of public consultations are nowadays discussed under the label of National Dialogues. They are not much known in Europe as they are mainly used in other parts of the world where countries try to escape civil war and break down of public order. Yet their principles of building dialogue beyond elite groups would be relevant.

Any consultative process would need to avoid being a window-dressing exercises such as the pseudo-consultation organised by Fidesz in 2011, where Hungarians were sent questionnaires on the impending constitutional overhaul. One week after receiving them, the changes were already submitted to parliament and adopted five weeks later.

Whatever shape such a consultative process would take, the round table experience suggests that it would need to engage moderates from all sides. As already mentioned, neither PiS nor Fidesz should be compared to the communist party in 1989. They enjoy genuine legitimacy and popularity even though Fidesz has changed conditions of public discourse in its favour to an extent that it is difficult to talk about “genuine” popularity.

In view of this legitimacy, any new government should reach out to moderates of these parties to make them part of a new process. It needs two to Tango of course, so it would need such moderates to come forward. Beyond broad buy-in from parties any such process would need to make sure that it included all opinions in society, not only those of the new majority. Especially in Poland, it would be a logistical challenge to include the opinion of the population in small towns and villages, but it is

a challenge that needs to be met. In both countries the significant diaspora must be heard.

Hardliners on both sides would decry any attempt of being truly inclusive as treason, but their approach would risk extending severe polarization far into the future. Hence, the real lesson of 1989,may be that it is time to forget about it. Viktor Orbánand Jaros#aw Kaczy#ski operate with a 1989 friends-versus-foes mindset that is unsuitable for democracy and needs to be overcome.

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